

United States District Court
Northern District of New York

Jessie C. Engles
Plaintiff(s)

vs.

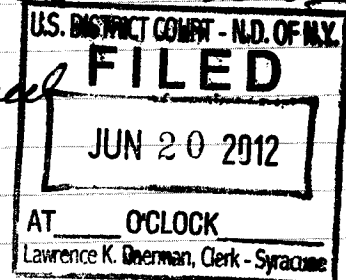
C.O. Bennett, C., et al
Defendant(s)

3rd Attached
Complaint
incident

9:12-cv-998

Inmate civil
Rights Complaint
Pursuant To
42 U.S.C. § 1983

Civil case no.



Plaintiff(s) in the above-captioned
action alleges as follows:

Jurisdiction

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3), (4) and 2201.

Parties

2. Plaintiff: Jessie Christopher Engles
marcy correctional facility
P.O. Box 3600 (RMH4)
marcy, N.Y. 13403

3. a. Defendant: Chris Bennett
Official Position: Correction officer.
Address: marcy correctional facility
P.O. Box 3600 (RMH4)
marcy N.Y. 13403

4 b. Defendant: Kerry Coane
Official Position: Sergeant
Address: marcy correctional facility
P.O. Box 3600 (RMH4)
marcy, N.Y. 13403

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c. Defendant: Robert Bause
 Official Position: Correction Officer
 Address: Marcy Correctional Facility,
 P.O. Box #3600 (RMH4)
 Marcy, N.Y. 13403

d. Defendant: ~~Robert~~ William Snyder
 Official Position: Lt.
 Address: Marcy Correctional Facility,
 P.O. Box #3600 (RMH4)
 Marcy, N.Y. 13403

e. Defendant: Lawrence Tambasino
 Official Position: Correction Officer
 Address: Marcy Correctional Facility,
 P.O. Box #3600 (RMH4)
 Marcy, N.Y. 13403

f. Defendant: which to preserve rights ~~for~~ to
~~be~~ allany & all other gone Doe? John Doe
 presently unknown at this moment
 Docs or medical personals.

g. Defendant: Brian Dougherty
 Official Position: Correction Officer
 Address: Marcy Correctional Facility,
 P.O. Box #3600 (RMH4)
 Marcy, N.Y. 13403

h. Defendant: I preserve right to include any
 and all other gone Doe & John Doe
 RMH presently unknown at this time

4. Place of present confinement

a. Is there a prisoner grievance procedure at the
 facility? (yes)

b. If your answer to (4)a is yes, did you present the
 facts relating to your complaint in this grievance program?
 (No)

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If your answer to 4(b) is no:
 Why did you choose to not present the facts relating to your complaint in the prisoner's grievance program?

I had experience numerous of forms of harassment & misconduct every time I filed any complaints regarding assault, the denial of medication or medical attention, freedom of information law request, destruction of my personal or legal mail etc, which I had proof in black & white regarding their misconduct and which only made these prison officials continue to provoke & trigger my mental disorders and hurt me just so they can try to justify their actions & misconduct. which I came close to either killing myself or them killing me. So, I feared for further retaliation, when they told me they will stop the harassment & misconduct as long as I stop filing complaints and educated other offenders of their rights that they were also violating just as mines.

C. If there is no grievance procedure in your institution, did you complaint to prison authorities about the facts alleged in your complaint (?)

N/A
 5. Previous lawsuit

a. Have you ever filed any other lawsuits in any state & federal court relating to your complaint in such prison? (yes)

b. If your answer to 5(a) is yes you must describe any & all other lawsuits

(1) Parties to previous lawsuit: Jessie Engler v C.O. Bryan Ruger, et al

(2) Court: Northern District.

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- ③ Docket number unknown at this present time
 - ④ name of judge: I just filed such claim
 - ⑤ Disposition (dismissed? on appeal?) (Still pending)
 - ⑥ Approximate date of filing prior lawsuit? filed all three claims together, see attached claims.
 - ⑦ Approximately date of disposition: Still active
-

- ① Parties to previous law suit: Plaintiff Jessie C. Eagles, Defendant ~~the~~ C.O. Mark Souza, et al
 - ② Court: Northern District.
 - ③ Docket number: presently unknown
 - ④ name of judge: Presently unknown
 - ⑤ Disposition: just recently filed before the court, still active.
 - ⑥ Approximate date of filing prior lawsuit: see attached Complaint All 3 1983 were filed together.
 - ⑦ Approximate date of disposition: still active.
-

Statement of Facts

b.

Set forth the basic of your case which substantiate your claim of violation of my civil and or constitutional rights.

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Statement of facts(See Attached
Grievance Complaint)

Please be informed, on or about ~~from~~ 12-30-2011 at approximately 8:00 AM, I was ~~once~~ once again the subject of excessive use of force at Maricopa Correctional Facility and continuously harassed & mistreated there after for over 2 months straight by prison officials and this residential mental health write.

My hands was closed into the gate shield door for no probable cause touch had cut my finger open to the white meat / bones & prison officials had medical staff nurses falsified medical records stating that it was only a superficial cut and don't need any stitches. yet, when I was sent to the out side hospital at upstate medical center (Sunny) the Dr. states it need stitches, which he had provided. This, I was wrongfully denied proper medical attention by ~~the~~ medical staff.

This is and on going display of these prison official complete lack of willingness to follow the departmental rules and protocols; the only reason why I didn't file any grievance complaints in regards to this matter is because I fear for further retaliation & I was told that they will let me be, if I start eating my food while I was on a hunger strike due to my depression.

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The Det. Snyder, Sgt. Crane, and the above listed correction officers ~~was~~ was all present during this ~~incident~~ incident, as stated for my grievance complaint

(7.) Causes of action

First cause of action

① Defendant violates Plaintiff's 1st Amendment rights to freedom of speech and the right to petition the Government for a redress of grievances, as set forth in the Statement of facts, and for retaliation by both DOCCS & Court Staff which amount to Harassment & misconduct of Plaintiff state & federal constitutional right

② Second cause of action

Defendant violates Plaintiff's 8th ~~amendment~~ amendment rights, of cruel & unusual punishment, by the use of excessive force & denial of Plaintiff's fundamental — constitutional rights protected by federal law & state law, as set forth in the — Statement of facts.

Third cause of action

③ Defendant violates Plaintiff's 14th — amendment rights of the Due process clause, as stated in the Statement of facts clause, as stated in the Statement of facts & complaint & under the American Disability Act.

④ Fourth cause of action of action.

Plaintiff request that his Declaration in the support of plaintiff's motion for a temporary —
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restraining order of Plaintiff motion for a ~~Temporary~~ Preliminary Injunction be granted & a hearing be set as soon as ~~possible~~ practicable in accordance to pre-established court & state & federal rules & law ~~where~~ Prayer of relief.

(5) Wherefore Plaintiffs request this Court grant the following relief:

Plaintiffs request an order declaring that the defendant have acted in the violation of the United States Constitution and Plaintiff request that his Declaration in support of the TRO & Preliminary Injunction motion be granted on lights of the the 3 enclosed 1983 motion grounds & facts relating to these incidents as well as 10 million dollars for punitive & compensatory damages caused by these defendants actions within this here complaint, and any other actions the courts deem just & proper.

I declare under penalty of perjury that the foregoing is true & correct and this been going on for off & on since April 13, 2010 till now

Dated: June 11, 2012

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Jessie Engle
Jessie Engle

Sworn to before me this

day of 2012

Notary Public

Marcy Correctional facility
(RMH4)

To: JGRC office
from: Jessie Engle 09A0673 B1-14 cell
date: Jan 09, 2012
Subject: "Harassment, excessive force ^{& Denial} of proper medical attention." Misconduct

Please be informed,

on December 30, at approx. 9:00 AM, I awoke to correction officials, verbally screaming at another mental Health patient in this above RMH4 program, who, at the time locked in B1-15 cell named Stephen J. Torma # ~~078~~ 1783, who they was verbally threatening he had to quickly pack all his cell items so, he can be moved to the A1-side company for what ever security reasons.

After standing on my gate for a few minutes to see if ~~any~~ any type of misconduct by staff official might happen that I can be a witness to, I over heard those prison officials, which are C.O. Robert Bause, C.O. Chris Bennett & Lt. William Snyder & Sgt Kerry Crane and other C.O's...

C.O. Bause started informing inmate Torma that if he don't finish packing, allow him to call him & escort him to his new cell, that he will be extracted. Inmate Torma, replied, saying he needed to get his glasses, & Head phones from me, with the copies of his employee roster sheet, which he let me hold. After the Sgt denied this request, Torma became mad, & stopped agreeing to comply with the cell change, the C.O's started threatening him saying they was going to extract him if needs be, which Torma had stated fine, that is what you have to do.

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After the other prison staff kept trying ~~unsuccessfully~~ unsuccessfully ~~for~~ for 5 minutes to place his hands out to be cuffed up, Inmate Torma stated for them to go suit up for the extraction he is tired of them messing with trying to take an advantage of him. ~~unsuccessfully~~

At this time, I tried to talk to Torma in his trouble state of mind in an attempt to explain him of his correct rights as an OMH patient/offender, to get him to comply with staff orders, being that I've known him for over a year. has a decent rapport with him.

So when I heard the officer Robert Cause informing inmate Torma that they don't need to suit up, to extract him, because he is not a threat, I step up informing Torma that in accordance to staff procedures of departmental regulation, they have to offer you your right to speak to an OMH counselor, before they suit up & extract you. After you explain everything to the OMH what's cause your trouble state of mind, just comply with the cell change and I will get his stuff I had of his to him another way.

At this time, C.O. Chris Bennett snuck up along the wall cell door area & slammed the cell door shield closed on my fingers without me realizing it was too late to react, when the shield got jammed in my fingers C.O. Chris Bennett pull it back over, and let me pull my hands in, so it can be shut all the way.

I showed him the extent of my injuries he caused to my ~~left~~ left middle finger, which was cut deep enough to see torn meat & ligaments, a white part which I believe was my bone, and I told

hem I'm requesting to speak to OMH counselor & medical nurse at that time, which he denied me, which Sgt Kerry Crane & Lt. William Snyder, along with other stated officers were all present during the time of this incident. I also denied by not addressing either.

After screaming for medical emergency for over a hour, & for OMH Counselor, and informing Co. Robert Bause during his rounds & still being denied, I waited for the noon med tray to be served, and once I received my tray I ~~was~~ was forced to hold my slot just to get medical attention, which the same officers & higher ranking officials was all part in trying to deny me such rights.

After 30 or more minutes I was escorted to the nursing station, to be seen by medical nurse who waived her professional judgement of my injuries, in an attempt to keep this incident in house, by stating its just superficial and dont need any stitches, just to be cleaned & bandaged up which I believe was instructed by Docs Staff to do for them, to prevent the seriousness of my injuries from being properly noted.

After being placed in the holding pens, so the nurse can finish cleaning & treating my hand injury I ask the Sgt Crane & Lt Snyder this wont stop me from going to my OMH program, being that I didnt react negatively in a violent way, which they both assured me would not, as long as I dont get into any violent conduct with them.

As inmate patient was being escorted to ~~my~~ OMH program I informed them in short to please write to the Inspector General's offices, informing them

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of my incident because the medical nurse is not trying to give me proper ~~medical~~ medical care treatment, so they can investigate this incident misconduct, to request that video cameras of this incident be preserved for further legal actions because they (the facility Administration) has been tampering, and destroying or delaying or not processing a lot of my own grievance forms, fail request, inter-departmental mail, or to commissions or other legal agency? I want to make sure this issue is preserved.

After being escorted back to my cell the Lt Snyder, informed me he is denying me of my right to 4 hours of OMT program, due to my request made to other mental health patient to I write to I.D. office in regards to this incident which he claims was taking as an act to incite a riot, or become ~~a~~ a problem, which I requested to speak to OMT staff which was denied. ~~So, I did~~ So, I did not comply with allowing them to take off the cuffs, because of past experience with them, once the cuffs are off, I'm lock & secure in a cell, they will ignore my issue until I actually hang up or try to hurt myself, I was trying to prevent that from happening.

When OMT nurse came, I informed him of what triggered my anger, what happen to my inquiries, how long this harassment has been going on, which his only concerns was getting me to let the officers uncuff me, which I told him these cuffs are staying on me, unless he admits me to RCTP, because I'm going to

really hurt myself, because I'm getting tired of the abuse these prison officials are doing to me, or they are going to have to extract me for the cuffs. O M H nurse, along with prison staff had told me he will send me to OMH RCTP - observation cell to prevent any further incident as long as I gave up the cuffs.

After 2 hours of waiting in my cell for DOCs Staff to take me to RCTP, I stripped cell after giving up the cuffs, I was taken to RCTP. While there, shortly after being admitted, nurse Brian Dougherty had come to give me my pain killers medication which I showed him my cut on my finger asking him for his medical decision which I ask him to please do the right thing in helping me get it treated properly.

At this time nurse Dougherty, stated, what did the prior nurse state on the 7-3 shift who seen you, which I replied, she stated was only a superficial laceration, but as you can clearly see, this needs to be stitched up, which she clearly denied which is why I'm reporting this injury to be addressed at this time. Nurse Dougherty, started being sarcastic, stating well, now you want my help, after you done wrote me up in your grievances. which I replied, I'm only asking you to do your job, if you didn't deprive me medical care in the first place, I wouldn't have no issues to preserved in the first place. which nurse Brian - Dougherty, replied saying well have a nice time trying to get you finger address. which I responded by saying I'm going to sue you again for being -

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negligence in failing to address this issue too, so that will be another complaint I'll be preserving.

At this time, Nurse Brian Daugherty, became mad stating on video camera that he don't give a fuck what I filed? to have a good luck trying to filed it, ~~and~~ ~~and~~ then I replied, you do realize you are on tape? I will get a copy of this tape preserved on my foil request, which he replied, well what happen last time you tried that, and at first I was shock he knew, and I stated what you mean, Nurse Daugherty, replied saying, what happen the last time you filed your grievance? foil request, did you get a response yet? I walked off.

~~After~~ At around 6:PM to 7:00PM, he came to give me my Asthma-pump, which I he gave me in the RCTP stripped cell, where he knows I can't have such, which Sgt Kerry Crane knew I couldn't have due to my ~~stolen~~ earlier statements of selfharm, and they still gave it to me so, I broke the Asthma pump metal in half and started using it to cut up to try & kill myself. But after realizing it wasn't sharp enough to cut through to my veins, I end up sticking up my anus, until I can break it down small enough ~~can~~ swallow to get sharper to do more damages.

While in the Drey cell watch, I was further harass by staff co. David Cole, B.O. Sean Wiggins, Capt J. Harper and other co's all was stating certain things to clearly trying to provoke & trigger an

(Dated 1-9-12)

violent conduct on my part, which I had ended up doing just as I can speak to OMH nurses or staff.

So I started holding my flat open, and refusing to give up my usual tube back, telling them to let me speak to OMH? I wanted to get extracted, because they kept harassing me, because after my numerous attempts in informing OMH personnel of this harassment? their clear involvement to an extent, failed attempt to address my issues during treatment team meeting with Docs personnel, and my not being on any OMH medications that I once was on before my last suicide attempt, I started losing control and was easily provoked by prison officials into getting misbehavior reports & negative informational reports.

Action seeking: I'm requesting that all video cameras be preserved for further ~~investigation~~ investigation & legal actions reasons of B1-gallery, C5 39 video camera & audio box #ms 26 on 12-30-11 at approx. 9:00 AM until 4:00 PM.

including nursing station video cameras, an ^{outside} cameras ~~in~~ RMH4 Bubble post stations and at approx. 12:00 PM till 2:00 PM on 12-30-11 and RMH4 - RCTP gallery in front of observation cell #3 at approx. 3:30 - till 7:30 as my proof of evidence, inmate witness Stephens J. Torma #07B1783, Paul Smith 07B0775, other patients in RMH4, as well as all prison officials stated herein investigated & reprimanded for their misconducts. C.C. filed/J.E.

(Page 7 of 7) Dated 1-9-12

Jessie Ingle

Sworn to before me this
day of 2012

Notary Public Officer

Marcy Correctional Facility
RMH 4

To: DGR Office
From: Jessie Eagles 09A0673 B1-14 cell
Date: Jan. 11, 2012
Subject: (Harassment, misconduct of cell searches)

Please note,

During 12, 5, 2011 till Jan 5, 12 my cell has been search 4 or more times, but on or about 12-28-11 - & 12-30-11 C.O. Robert Bause has thoroughly, on both days, even made such comments since then about certain legal motions I've filed in courts relating to other incidents or personal things my sister wrote me in one of her letters, which lets me know he has read my legal documents /atleast portions thereof.

Now ever on 12-28-11 all C.O. R. Bause listed on the contraband form was extra sheet, pole, fishing lines, & pictures on wall, But on 12-30-11 he list extra head phones, & alleged to have found a mirror from general population, which I believe he had to plant in my cell as & attempt to harass & scare me from further legal action in my Harassment & misconduct Court of Claims motion /notice of intent I've filed complaining of DOC 8 & OMH staff, because he & other prison officials stated that I won't even get a ticket for it nor & new charge & I don't see no other reasons for lying about finding that in my cell when I've being detain in this facility for 11 months, & been search, stripped search, X-Rays of Ab's area, etc, numerous of times with no problems.

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Plus on or about 10-13-11, I've filed an grievance with JYRC about threats made by co. Bugari about killing me during a cell extraction & stating he will plant a weapon in my cell to ~~justify~~ justified the deadly force in his written reports & co. Sean Wiggins co-signed his threats. However, the facility JYRC Supervisor stated she never received these complaints which prolonged the delay of it being process & investigated. But on 12-29-2011, Sgt Kerry Crane came to investigate such complaint on 12-30-11 7:00 AM to 3:00 PM Shift, Sgt K. Crane was the Area Supervisor of RMH4 when the cell search was order that co R. Bause allege to have found this alleged mirror contraband. And I don't believe in coincidence.

And further more, on 12-30-11 & Jan 5, 2012 searches, on either dates numerous of my personal own items such as, Cosmetic, stamps Books (10) ~~total~~ numerous of directives (12 total) DOC8 Employees Roster, list of mercy corr. fac. (RMH4) & of OMH staffs along with over 100 pages of legal documents was taken/destroy or misplaced, but wasn't even listed on the Contraband form (Between 100-to-300 pages total)

Action seeking: I'm requesting that my cell start being searched in my presence or with a hand held security camera to record everything & that these officers be investigated & reprimanded for their action co. Robert Bause, & co. Jeremy Griffith, & co Sean Wiggins for Jan 5, 12 cell search of why a trash can ~~was~~ Ben was taken into my cell during these searches, Sgt Kerry Crane. Jesse Engle
(cc: fdel/jc) (Page 2 of 2) (1-11-12 Dated)

BRENT L. ROGERS
Notary Public in the State of New York
Qualified in Madison County 01RO6202020
My Commission Expires March 9, 2013

Sworn to before me this
13th day of January 2012
Brent L. Rogers